

MONDAY, FEBRUARY 28, 2000 - MARIANAS VARIETY NEWS AND VIEWS-5

Ex-OPA counsel wins suit

By Ferdie dela Torre
Variety News Staff

A LAWYER won his lawsuit for wrongful termination of his employment against the CNMI government and then acting Public Auditor Robert D. Bradshaw.

A jury rendered a verdict Friday afternoon finding the CNMI government and Bradshaw liable to pay plaintiff Robert A. Bisom a total of \$245,300 in damages.

The six-man jury, however, did not hold former Public Auditor Scott Tan liable to pay any damages to Bisom.

As against defendant CNMI government, the jurors awarded Bisom \$100,000 for breach of contract and \$10,300 for wrongful termination.

As against defendant Bradshaw, the jurors awarded plaintiff \$55,000 for intentional infliction of emotional distress, \$18,000 for discharge for political reasons, \$8,000 for due process violations of plaintiff's property interest, \$8,000 for due process violations of plaintiff's liberty interest, and \$50,000 in punitive damages.

Supreme Court Associate Jus-

tice Alexandro C. Castro, as judge pro tem, presided over the three-week jury trial in the Superior Court. Assistant Attorney General L. David Soebbe represented the defendants while Jay H. Sorenson served as counsel for Bisom.

Soebbe said the government may appeal the case.

Bisom filed the lawsuit in 1996 against the government. Tan, and Bradshaw after he was terminated from his employment with the commonwealth for alleged political and religious reasons.

Bisom used to serve as legal counsel for the Office of the Public Auditor.

Sorenson in an earlier interview said that after Bisom was terminated, the plaintiff was offered job by then Senate president and now Lt. Gov. Jesus R. Sablan.

Sorenson added that on the day Bisom took the job, there was a change of leadership in the Senate and Sablan's decision was subsequently overturned.

The plaintiff said his termination was politically motivated because he questioned the legality and propriety of a "single audit" as Bradshaw had wanted to conduct.

Bisom added that he was terminated because he was perceived as

a political opponent of former Gov. Lorenzo I. DeLeon Guerrero as well as a political ally of the previous public auditor.

Bisom stated that Bradshaw also terminated him on account of his being a Jew.

CPA posts \$360,000 earnings in January



Roman T. Tordella

By Haiden M. Eugenio
Variety News Staff

THE COMMONWEALTH Ports Authority (CPA) realized a total of some \$359,372 worth of earnings in January from both the airport and seaport divisions.

In a financial report adopted by the CPA Board of Directors last week, the aviation division's operating revenues climbed up by

seaport by 231 percent, entry fee by 36 percent, and home port fee by 54 percent.

FYTD earnings for the seaport division went up by 34 percent to \$1,676,063.

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lacked any evidence supporting the existence, or lack thereof, of female employees within his former position."

DPS asked the court to review CSC's in investigating Chong in his position where he will not work with female employees.

Wiseman said during the court's hearing in the case, the parties identified a position in the army where no female employees are currently employed.

However, the judge noted, Chong would still have contact

judicial review.

Wiseman said the order violates constitutional rights respecting equal protection and employment opportunities under the state.

"Even assuming Chong was to be placed in his former position or into a position where he does not work with female employees, compliance with the order would exclude future employment of females who would otherwise be qualified for a position in the same division of DPS as respondent," said Wiseman. He said he will, however, refrain from de-

scribing harassment and contribute to a hostile work environment.

But the commission expressed concern that usually oriented common sense and conduct are required at the Division of Corrections.

"The commission believes that this is a case where progressive discipline should have been imposed. The employee is a good officer with valuable experience and training," said the CSC decision adding that Chong has offered to attend counseling at the Community Guidance Center and

CSC's order was "arbitrary, capricious, an abuse of discretion, and was unsupported by substantial evidence in a case."

Wiseman ruled that while CSC made evidentiary findings governing the scope and severity of Chong's inappropriate work behavior and concluded that he engaged in sexual harassment, there is no evidence in the record that supports their finding that a position exists within DPS where the respondent could work without female employees.

Thomas got down from the vehicle and walked toward the booth of the Commonwealth Ports Authority. At the booth, Ocasiano also argued with the CAPA personnel on duty.

Responding Police Officer Joe Soares arrested Ocasiano for refusing to pay the fine.

In other news, a 31-year-old woman was stabbed and injured by another woman for trying to pacify a fight at the parking lot of Jostens Hula Ahi Shopping Center in Guanapu on Monday night.

Justices affirm trial court's judgment in Bisom lawsuit

By Purdie Soto Torres
Variety News Staff

THE CNMI Supreme Court on Friday affirmed the trial court's judgment over legal issues pertaining to a lawyer's lawsuit for wrongful termination of his employment against the government.

and then acting Public Auditor Robert D. Bradshaw.

The high court ruled that the trial court did not err in limiting the scope of damages by its decision denying admission into evidence of attorney Robert A. Bisom's calculations of his future

loss of income.

The high tribunal determined that the trial court did not err in limiting Bisom's closing argument on the subject of his future income loss.

The high court also found that the trial court did not err in denying Bisom's request for determination to compel the government to indemnify Bradshaw.

The lower court denied such motion after it found no evidence that Bradshaw made a request for indemnification.

The high tribunal ruled that none of the cases cited by Bisom convinced them that the trial court abused its discretion by disallowing the proffered testimony, exhibits or argument.

Bisom made certain assumptions in the excluded testimony and exhibits, namely, that he would be getting 5 percent raises every year as a lawyer until he retired at age 65.

Bisom's calculations also in-

clude a \$900 a month stipend for living expenses.

"There is no showing on the record before the court how or why Bisom arrived at those figures," said the high court ruling penned by Associate Justice John A. Mangione and concurred by Justices Pro Tempore Pedro M. Andig and Timothy B. Bellin.

With absolutely no foundation for the assumption that his salary would increase 5 percent per year until he retired, Bisom's projection is nothing more than pure speculation, the justices said.

They said that before the government is obligated to defend and indemnify an employee, an employee must request in writing, at least five days before an answer to the complaint must be filed, that the government pay for his defense or to defend him.

"The trial court determined that this did not occur, and we will disturb a factual determination made by the trial court unless,

"after reviewing all the evidence, we are left with a firm and definite conviction that a mistake has been made," the justices said.

Consequently, they added, the determinations Bisom sought "were superfluous as the government had no duty to defend or indemnify Bradshaw."

The trial court, the justices said, was under no obligation to make the determinations Bisom requested.

Court records showed that Bisom filed the lawsuit in 1996 against the government, former Public Auditor Soto Yuen, and Bradshaw after he was terminated from his employment for alleged political and religious reasons.

Bisom used to serve as legal counsel for the Office of the Public Auditor.

In Feb. 2000, a jury rendered a verdict finding the CNMI government and Bradshaw liable to pay Bisom a total of \$549,300 in damages.

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